

FILED

OCT 16 2013

Clerk, U.S. District Court
District Of Montana
Helena

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

DAVID GUNDERSON,

Petitioner,

vs.

LEROY KIRKEGARD, Warden,
Montana State Prison; ATTORNEY
GENERAL OF THE STATE
OF MONTANA,

Respondents.

No. CV 13-35-BLG-SEH

ORDER

On September 25, 2013, United States Magistrate Judge Carolyn Ostby entered Findings and Recommendations (Doc. 12) on the preliminary screening of Gunderson's 28 U.S.C. § 2254 habeas petition. Neither party filed objections. No review is required of proposed findings and recommendations to which no

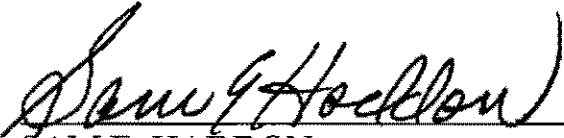
objection is made. *Thomas v. Arn*, 474 U.S. 140, 149-152 (1986). However, this Court will review Magistrate Judge Ostby's Findings and Recommendation for clear error.

Upon review, I find no clear error in Magistrate Judge Ostby's Findings and Recommendations and adopt them in full.

ORDERED:

All of Gunerderson's claims are DENIED except his claim (Doc. 1-1 at 2, ¶ 2A) alleging trial counsel was ineffective for failing to request a lesser-included offense instruction on criminal trespass.

DATED this 16th day of October, 2013.


SAM E. HADDON
United States District Judge